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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,048

03/18/2004

Wan Sang Hui

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12/14/2006

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EXAMINER

LEVINE, ADAM L

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/803,048	Applicant(s) HUI, WAN SANG	
	Examiner Adam Levine	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10 June 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application for the reasons indicated in the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

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corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claims 1,7,11, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 1,7,11, and 17 are generally narrative and indefinite, failing to conform with current U.S. practice. For example in claims 1 and 11, "each of the traders and customers being identified by or as at least one user..." is not understandable as worded. The alternatives "being identified by at least one user," and "being identified as at least one user," have entirely different and incompatible meanings. In claims 7 and 17, "the message comprises one of text and voice messages" could have multiple meanings such as a single message of both text and voice, or could be a poorly worded attempt to refer to text and voice in the alternative.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugliese, III et al. (US Pub.No.2001/0044751).

Pugliese, III teaches all the limitations of claims 1-20. For example, Pugliese, III discloses a system and method for displaying and selling goods and services through an interactive online marketplace including lists of traders and products, connecting users with listed items through hyperlinks, and communication between users using instant messaging. Pugliese, III further discloses:

- providing at least one server and a database: associated with the server for storing details of traders and customers including information of products and/or services provided by the traders, and identifying each of the traders and customers by or as at least one user having a unique identity code (see at least abstract, page 2 para.0013, page 4 para.0081, page 6 para.0123, page 8 para.0148-0149, page 10 para.0183, page 11 para.0200-0201, page 14 para.0255, page 3 para.0313. Please note: a unique identification of a user is inherent in the system, as it would be in any online system requiring the identification of users as distinguishable entities. No commerce system or method would work without so distinguishing its users. It is also noted that an identifier as simple as the name of each user is in essence a unique alphanumeric identity code)
- providing communication devices: for use by the traders and customers and connectable to the server (see at least abstract, page 1 para.0009-0010)
- providing a website associated with the server: for visit by the customers using the communication devices (see at least abstract, page 1 para.0003-0005, page 5 para.0099)
- providing a webpage for display on the communication device: of a visiting customer (see at least abstract, page 1 paras.0003,0008,0010; page 3 paras.0056,0058; page 14 para.0268, pages 21-22 paras.0386-0387)
- the webpage including a directory: of the traders in a multi-level representation that includes hyper links to corresponding users representing the traders based

on their identity codes for establishing a two-way online communication channel via the server between the visiting customer and one of the traders selected by that customer (see at least page 1 para.0010, pages 4-5 paras.0091,0098-0099,0102; page 13 para.0251, page 14 para.0267, page 17 para.0313); displaying the directory in the format of a tree diagram (Please note: The appearance of the display is descriptive material and is not functionally involved in the recited steps of the method. Because it has no functional role in the method it is non-functional descriptive material. This descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381 , 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106); listing the traders in the directory according to their business nature at one level and then product/service type at a lower level, listing the traders in the directory according to their names, or the names of their representatives, at a further lower level (see at least pages 4-5 paras.0098-0099, page 13 paras.0235,0251. In addition, please note: Because features that merely describe the display of information have no functional impact on the steps of the method, they are nonfunctional descriptive material. This descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381 , 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106); providing means associated with the names for obtaining information from the traders represented by the names, associating the names with the hyper links respectively to establish a said two-way online

communication channel between two users for a chat session comprising sending a message wherein the message comprises one of text and voice messages, wherein the message includes sharing one of file and webpage (see at least page 1 para.0010, pages 4-5 paras.0091,0098-0099,0102; page 13 para.0251, page 14 para.0267, page 17 para.0313); rendering the names selectable for adding to a contact list included in the webpage, with each name in the contact list being a hyper link to the corresponding user for communication (see at least page 4 para.0091); including in the contact list an indication to show online status of the users represented by the names in the contact list (see at least fig.22, page 1 para.0010, page 3 para.0059,0065; page 4 para.0074-0079,0098; page 8 para.0161)

Conclusion

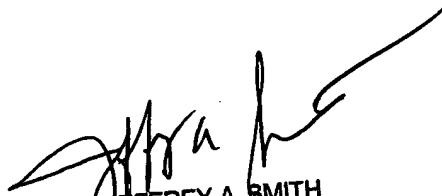
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571.272.6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adam Levine
Patent Examiner
December 10, 2006



JEFFREY A. SMITH
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